

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,  
Plaintiff,  
v.  
ANDRES MONTES DE OCA,  
Defendant.

Case No. 13-cr-00607-TEH-1

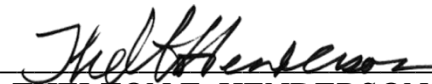
**ORDER DENYING MOTION TO  
REDUCE SENTENCE**

Defendant Andres Montes de Oca filed a motion, ECF No. 26, requesting appointment of counsel to file a motion to reduce his sentence based on Amendment 782 to the Sentencing Guidelines. The Office of the Federal Public Defender filed a notice of non-intervention, ECF No. 27, stating that it had “reviewed Defendant’s file and has nothing to add to any request for resentencing under Amendment 782. Consequently, we are not presently seeking appointment in this matter and will not seek to intervene.” ECF No. 27. The United States Probation Office filed a report, ECF No. 28, stating that Defendant is ineligible for a sentence reduction because his original sentence was the statutory mandatory minimum of 60 months.

The Court’s review of the record confirms the Probation Office’s observations. Defendant was sentenced to the mandatory minimum of 60 months, and he is therefore ineligible for a sentence reduction. Accordingly, his motion for appointment of counsel and his intended motion to reduce his sentence are hereby DENIED.

**IT IS SO ORDERED.**

Dated: 09/21/15

  
THELTON E. HENDERSON  
United States District Judge